

FILED

AUG 04 2021 *BE*

UNITED STATES BANKRUPTCY COURT
SAN FRANCISCO, CA

Ricky-Dean Horton
751 Rosemary Court
Fairfield, CA 94533
707-386-9713 cell
RickyDHorton@gmail.com

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Ricky-Dean Horton,
Claimant.

RE:
PG&E CORPORATION,

- and -

PACIFIC GAS AND ELECTRIC
COMPANY;

Debtors.

Bankruptcy Case No.: 19-30088 (DM)

Chapter 11, Lead Case, Jointly Administered;

Claim No. 87111, Ricky D. Horton;

**MOTION TO REVIEW AND CORRECT
A POSSIBLE MISTAKE TO CASE
IDENTITY;**

MOTION TO BE HEARD;

MOTION TO RECONSIDER;

Re: REVIEW AND CORRECT CASE IDENTITY IF INCORRECT.

**Re: ORDER DISALLOWING AND EXPUNGING PROOFS OF CLAIM PURSUANT TO
REORGANIZED DEBTORS' NINETY-THIRD OMNIBUS OBJECTION TO CLAIMS (NO
LEGAL LIABILITY CLAIMS) [Re: Dkt. Nos. 10808, 10960]**

Signed and Filed July 22, 2021

Motion to Review and to Correct a Possible Mistake to Case Identity.

**Refer to attached PDF file number 1 named: ATTACHMENT 1 PGE 19-30088(DM)
Claim No 87111 Form 410 Cover Page 10-2019.pdf.**

Claimant is concerned that a mistake may have been made on the original claim form on page 1 of the Official Form 410 Proof of Claim originally filed by Claimant on October 21, 2019. Both PG&E Corporation and Pacific Gas and Electric Company are both Corporations. This claim is upon the Corporation that is responsible for the safe operations of Overhead Power Lines.

Claimant is motioning the court to please review the checked box on page 1 of the **Official Form 410 Proof of Claim** and if a mistake has been made to the proper identity of

MOTION TO REVIEW AND CORRECT A POSSIBLE MISTAKE TO CASE IDENTITY: MOTION TO BE
HEARD: MOTION TO RECONSIDER: - 1

1 which Debtor should have been marked, then Claimant is now asking the court to make the
2 necessary correction if in fact Claimant had marked the incorrect identity of this case being
administered jointly.

3 If PG&E Corporation and Pacific Gas and Electric Company both share equal
4 responsibility in this claim, then no correction to case identity may be needed.

5 If the Case Identity was incorrectly marked, and a different procedure is necessary than
6 that of this **Motion to Review and Correct**, then Claimant is asking that the Court provide him
7 with the correct procedures to correct the mistake, ex: Court prepared fillable form, other title
8 than Motion to Correct, etc. Claimant is aware of the limitations to Court personnel from
providing legal advice and Claimant is again requesting procedural information or title of subject
information and not requesting legal advice.

9 **Comes now Ricky-Dean Horton, Claimant**, and upon looking at the records of this case
10 and recognizing on July 27, 2021 that the deadline had passed to file objections to the
11 REORGANIZED DEBTORS' NINETY-THIRD OMNIBUS OBJECTION TO CLAIMS, is now
12 making this motion upon the court to allow his objection to be heard and to motion the court to
13 reconsider the order Disallowing and Expunging his Claim no. 87111 to the REORGANIZED
DEBTORS' NINETY-THIRD OMNIBUS OBJECTION TO CLAIMS (NO LEGAL
LIABILITY CLAIMS) [Re: Dkt. Nos. 10808, 10960].

14 **It is recognized that this Bankruptcy Court shall retain jurisdiction to resolve any disputes**
15 **or controversies arising from any of the court's orders.**

16 **Motion to be Heard based on the following facts:**

- 17 1. Claimant has historically, to the best of his ability, met the statutory deadlines for all
18 previous filings and responses in this case:

- 19 a) **Refer to attached PDF File Number 2 with File name: ATTACHMENT 2 to**
20 *Ricky Horton PGE 19-30088(DM) Claim No 87111 copy of Proof of Service 2*
Locations.pdf.

21 Affidavit of Claimant and Copy of Certified mail receipt no. 7019 0700 0002
22 1176 9031 to PrimeClerk of the original claim for this case mailed on October
16, 2019.

23 As Claimant tracked the progress of the mailing, it was apparent that the claim
would not be received by PrimeClerk in New York by October 21, 2019.

24 Therefore, to meet the statutory deadline of claim to be received by
PrimeClerk on or before October 21, 2019, Claimant **personally delivered** a
25 copy of the same mailed claim to the Service Center in Napa, California on
the deadline date of October 21, 2019. This dual service of claims resulted in a
26 duplicate claim being filed. The two claims no. 87144 and 87111 was
survived by a single claim no. 87111 as recognized in the Doc# 8756 and the
27 order signed and filed by the Honorable Judge Montali on September 28, 2020
in where the duplicate claim no. 87144 was disallowed and expunged with no
28 objection from Claimant.

1 **Motion to Reconsider** Disallowing and Expunging Claimant's Claim number 87111.

2 As stated in Debtor's docket information 10808, the request to disallow and expunge Claimant's
3 claim number 87111 for the reason that Claimant did not file a claim within the statutory
4 deadline of two years may not be correct. The information in regards to Claimant filing his claim
5 with PG&E prior to the two year statutory deadline is in the paperwork already filed in this
6 court's records of Claim Number 87111.

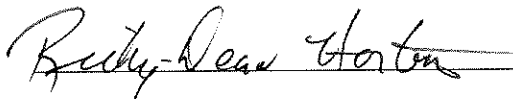
7 **Refer to attached PDF File Number 5 with File name: ATTACHMENT 5 PGE Case No.**
8 **1930088(DM) Claim no 87111 PROOF OF SERVICE of Claim, Death of Rory Horton filed 08-**
9 **25-2018 and 8-31-2018.pdf.**

- 10 1. 2 Page Cover Notice of original Claim with **CERTIFICATE OF SERVICE on**
11 **Page 2 dated August 25, 2018** sent via US Postal Service to two PG&E claims
12 locations. This is a copy of the same document filed in this court's records and found
13 within Claimant's original Claim.
- 14 2. CERTIFICATE OF SERVICE of the Claim for injury sent via Email to two email
15 addresses on August 31, 2018.
16 This is a copy of the same document filed in this court already and found within
17 Claimant's original Claim.
- 18 3. Copy of Claimant's email to PG&E Claims with response by PG&E Law-Claims
19 Representative Maria De Luca acknowledging on August 31, 2018 that the claim has
20 been received.

21 Therefore by the records and the foregoing facts, Claimant is making this **Motion To**
22 **Reconsider** the order on Docket number 10960 and to reverse or set aside the order to Disallow
23 and Expunge Claimant's Claim Number 87111 for the reason of not filing his claim within the
24 statutory deadline of two years, or for the Bankruptcy Court to set a new hearing on the
25 objections.

26 **DECLARATION**

27 I, Ricky-Dean Horton, Claimant, declare under penalty of perjury under the laws of the United
28 States of America and under the laws of California, that, to the best of my knowledge and
understanding, the foregoing information is true and correct.

23 

24 Ricky-Dean Horton, Claimant

23 7/31/2021

24 Date

25 Attachments of PDF Files in order as referenced above:

- 26 1. **PDF File: ATTACHMENT 1 PGE 19-30088(DM) Claim No 87111 Form 410**
27 **Cover Page 10-2019.pdf.** (1 page)

28 MOTION TO REVIEW AND CORRECT A POSSIBLE MISTAKE TO CASE IDENTITY; MOTION TO BE
HEARD; MOTION TO RECONSIDER: - 4

1 **2. PDF File:** *ATTACHMENT 2 to Ricky Horton PGE 19-30088(DM) Claim No*
2 *87111 copy of Proof of Service 2 Locations.pdf. (1 page)*

3 **3. PDF File:** *ATTACHMENT 3 PGE Case No 19-30088 (DM) Gmail - PGE*
4 *Bankruptcy Claim no. 87111, Follow-up of Information Request Form sent 11-20-*
5 *2020.pdf. (5 pages)*

6 **4. PDF File:** *ATTACHMENT 4 Affidavit Andrew-Lloyd Horton Motion to be Heard*
7 *Ricky Horton PGE 19-30088(DM) Claim No 87111 7-31-2021.pdf. (1 page)*

8 **5. PDF File:** *ATTACHMENT 5 PGE Case No. 1930088(DM) Claim no 87111*
9 *PROOF OF SERVICE of Copy of Claim, Death of Rory Horton filed 08-25-2018 and 8-*
10 *31-2018.pdf. (5 pages)*

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MOTION TO REVIEW AND CORRECT A POSSIBLE MISTAKE TO CASE IDENTITY; MOTION TO BE
HEARD; MOTION TO RECONSIDER; - 5

COPY

United States Bankruptcy Court, Northern District of California

"Attachment 1"

Fill in this information to identify the case (Select only one Debtor per claim form):

1 page

☒ PG&E Corporation (19-30088)☐ Pacific Gas and Electric Company (19-30089)

Sent USPS Certified mail # 7019 0700 0002 1176 9031

Official Form 410

10/16/2019

Proof of Claim

04/16

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Unless an exception in the Bar Date Order applies to you, you should not use this form to submit a claim that arises out of or relates to the fires that occurred in Northern California prior to January 29, 2019.

Part 1: Identify the Claim

1. Who is the current creditor?

Ricky D. Horton

Name of the current creditor (the person or entity to be paid for this claim)

Other names the creditor used with the debtor

2. Has this claim been acquired from someone else?

☒ No☐ Yes. From whom?

3. Where should notices and payments to the creditor be sent?

Where should notices to the creditor be sent?

Where should payments to the creditor be sent? (if different)

Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)

Ricky D. Horton
751 Rosemary Court
Fairfield, California [94533]

Contact phone 707-386-9713

Contact phone

Contact email rickydhorton@gmail.com

Contact email

4. Does this claim amend one already filed?

☒ No☐ Yes. Claim number on court claims registry (if known)

Filed on MM / DD / YYYY

5. Do you know if anyone else has filed a proof of claim for this claim?

☒ No☐ Yes. Who made the earlier filing?

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<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
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Total Postage and Fees	\$5.85	

Sent to **PGE Claims Processing/Primmell**
 Street and Apt. No., or PO Box No. **PO Box 4850**
 City, State, ZIP+4® **New York NY 10163-4850**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Certified
 (USPS Certified Mail #)
 (70190700000211769031)

Total: \$5.85

Debit Card Remit'd \$5.85
 (Card Name: Debit Card)
 (Account #: XXXXXXXXXXXX1517)
 (Approval #)
 (Transaction #: 441)
 (Receipt #: 024752)
 (Debit Card Purchase \$5.85)
 (Cash Back: \$0.00)

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Attach next 2" 1 page

10/21/2019 -

Filing submitted by
 two processes.

1. Sent via USPS certified
 mail - receipt is on
 this page.

2. Dropped off at Claims
 Service Center:

1950 Goscol Ave, Ste 105
 Napa, CA 94559

I declare under penalty of
 perjury under the laws of the
 United States of America that
 the Proof of claim documents
 have 37 pages - including this page
 and were submitted as stated
 above.

Richy D. Foster California



"Attachment 3"
5 pages

COPY

Ricky D. Horton <rickydhorton@gmail.com>

PGE Bankruptcy Claim no. 87111, Follow-up of Information Request Form, see attached

2 messages

Ricky D. Horton <rickydhorton@gmail.com>
To: pgeinfo@primeclerk.com

Fri, Nov 20, 2020 at 11:46 AM

Pursuant to a letter dated 10/23/2020, I was asked to send an Information Request Form within 28 days of the date of the letter. I have responded via United States Postal Service Priority Mail Express overnight service on Wednesday November 18, 2020, as proven by tracking number EL862716486US <https://tools.usps.com/go/TrackConfirmAction?tRef=fullpage&tLc=3&text28777=&tLabels=EL862716486US%2C%2C>

The Information Request Form that I sent by USPS priority overnight mail on Wednesday 11/18/2020 should have been received by your office on Thursday November 19th by 12:00pm. However, by reviewing the tracking information, the overnight Priority Mail does not look like the letter arrived or was delivered to your address at 850 3rd Ave., Ste 412, Brooklyn, NY 11232 by the guaranteed delivery date and time of noon on Thursday November 19, 2020.

Since, by the tracking number, it appeared that the United States Postal Service failed to perform their duty as promised, and that my response through the mail may not have been officially received at your office by Thursday November 19, 2020, I called the number on the letter dated 10/23/2020 which is 1-844-339-4217. I called on Friday November 20, 2020 at approx 9:57am Pacific Time. I spoke with a representative that used the name of Lisa. I informed her that I responded to the information request letter in a timely manner and that I would follow up with an email such as I'm doing with this email. I called the 1-844-339-4217 number a second time at approximately 10:24am and spoke with the same phone representative named Lisa and provided her more information, including the tracking number of the response letter that included the attached Information Request Form. I recorded our conversation during both calls and she acknowledged that the call was most likely being recorded on her end as well. There was no objection to me recording the phone conversation and I can provide my archived recordings of both conversations if requested.

This email is to ensure that the Information Request Form that you requested in your letter was not ignored by me and the request was responded to and received by your office as requested in a timely manner.

To also ensure that my response is on the record and received in a timely manner, please download the attached copy of the Information Request Form that was sent via United States Postal Service Priority Mail Express overnight service tracking number EL862716486US. The copy of the attached file includes only the cover letter and the completed information request form that was sent in the mail. Please refer to the original response that was sent via USPS Priority Mail Express overnight service tracking number EL862716486US and the 35 page claim documents that the Information Request Form is referring to as the attachment. A printed hard copy of the 35 page claim form is included in the overnight package. It was impractical to submit this complete package electronically due to the number of pages and that is why I submitted the Information Request Form with the attached 35 page copy of claim by USPS Priority Overnight mail tracking number EL862716486US

If you need additional information, please email me at this email address rickydhorton@gmail.com, or I may be reached on my cell phone number 707-386-9713.

Thank you,
Ricky D. Horton,
All rights reserved

 **PGE case no 87111 Information Request Form .pdf**
4832K

PGE Claim Support <pgeclaimsupport@primeclerk.com>
To: "rickydhorton@gmail.com" <rickydhorton@gmail.com>

Fri, Nov 20, 2020 at 5:22 PM

Ricky,

Thank you for your inquiry.

We are processing the Information Request Form you attached. You can email us the supporting documents and we will process those.


Prime Clerk is the court appointed claims and noticing agent in the chapter 11 cases commenced by PG&E and its primary operating subsidiary (collectively, the "Debtors"). As such, we are not permitted to provide legal or financial advice. We are not authorized to accept claims by email or fax, and any documents or information provided via either of these methods will not constitute a claim in these cases.

Please let us know if we can be of further assistance.

Regards,


Prime Clerk Inquiries
Prime Clerk
850 Third Avenue, Suite 412
Brooklyn, NY 11232
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ref:_00D1N1ulqY_5003l15q7wG:ref

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Tracking Number: EL862716486US

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20 NOVEMBER
2020 ⓘ by
3:00pm ⓘ

 **Delivered**

November 25, 2020 at 12:03 pm
BROOKLYN, NY 11232

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Proof of Delivery



Tracking History



November 25, 2020, 12:03 pm

Delivered

BROOKLYN, NY 11232

Your item was delivered at 12:03 pm on November 25, 2020 in BROOKLYN, NY 11232 to PRIMECLERK. The item was signed for by E SANTOS.

November 24, 2020, 11:27 am

Available for Pickup

BROOKLYN, NY 11232

November 24, 2020, 10:59 am

Arrived at Post Office

BROOKLYN, NY 11232

November 24, 2020, 7:48 am

Available for Pickup

BROOKLYN, NY 11232

November 18, 2020, 4:59 pm

Arrived at USPS Regional Origin Facility

OAKLAND CA DISTRIBUTION CENTER

November 18, 2020, 2:14 pm

Arrived at USPS Origin Facility

FAIRFIELD, CA 94533

November 18, 2020, 11:05 am

USPS in possession of item

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'Attachment 4'
1 page

Affidavit of Andrew-Lloyd Horton

In the matter of Ricky-Dean Horton and PG&E case No. 193088 (DM)
and Claim number 87111. 1930088

My name is Andrew-Lloyd Horton, domiciled on California land since 1942, born on Texas land in Tom Green County on June 25, 1932, married on May 18, 1956 to Louise-Viola Kelly.

I am the natural father and my wife Louise is the natural mother of our sons Rory-Nelson and Ricky-Dean.

I am familiar with the facts recited by my son Ricky in his Motion to be Heard.

I have first-hand knowledge that Ricky was providing as much time as he could in helping me with the care of my wife and his mother Louise for past several months and that he unknowingly failed to file his objections in a timely manner due to his concern for his mother and the care he helped me to provide for her at mine and his mother home in Richmond, California.

It is unlike Ricky to simply neglect his responsibilities and to consciously allow such an important deadline to pass. I am convinced that the last few months of care and concern for his mother are what lead to Ricky not filing his response on time.

I declare under penalty of perjury, under the laws of the United States of America and under the laws of California that the foregoing statement is true and correct according to the best of my knowledge and recollection.

Signed this 31st day of July 2021 AD

Andrew L. Horton
Andrew-Lloyd Horton

COPY

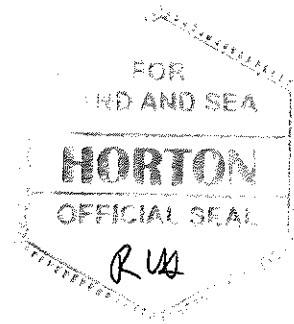
Case: 19-30088 Doc# 11031 Filed: 08/04/21 Entered: 08/06/21 15:41:08 Page 14
of 19

or if you would just prefer to respond in writing, then please write to us using the address listed on the pre-prepared claim form at any time between your receipt of this claim and postmarked on or before 10/5/2018. I will respond to your written correspondence within a timely manner, or I will call the phone number that you provide within your written correspondence. To confirm the address for service, I've also listed it below. However, please send all of your correspondences to two addresses:

Ricky D. Horton
751 Rosemary Court
Fairfield, California 94533

and also to

Andrew and Louise Horton
4920 Sweetwood Drive
El Sobrante, California, 94803



I look forward to meeting with you all to consider an amicable solution.

Rich, D. Horton

Ricky D. Morton, Californian,
Rory's Brother and representative

[illegible]

CERTIFICATE OF SERVICE

I hereby certify that I have, on August 25, 2018, served an original Claim for injury, electrocution of Rory N. Horton, to the two addresses listed below.

Pacific Gas and Electric Company ("PG&E")
Attn: Legal Department
77 Beale Street
San Francisco, California 94105

US Postal Certified mail number:

7017 1450 0000 4419 1327

and to:

PG&E Law - Claims Dept.
1850 Gateway Blvd., 6th Floor
Concord, CA 94520

US Postal Service number:

US Postal Service number:
7017 1450 0000 4419 1334

Dated August 25, 2018, from Fairfield, CA 94533

Bridget Oster

Ricky D. Horton

PG&E Loss Claim Form, Death of Rory Horton
Louise V. Horton, Andrew L. Horton, Ricky D. Horton,
Claimants, right to relief jointly

CERTIFICATE OF SERVICE

via Email

CERTIFICATE OF SERVICE

I hereby certify that I have, on August 31, 2018, served a digital PDF version of the original Claim for injury, electrocution of Rory N. Horton, to the parties via email as shown below.

De Luca, Maria(Law-Claims)
MXDp@pge.com

and to:

LawClaims@pge.com

Dated August 31, 2018, from RickyDHorton@gmail

/s/ Ricky D. Horton

Ricky D. Horton



Ricky D. Horton <rickydhorton@gmail.com>

Copy of Claim, Death of Rory Horton, digital copy

2 messages

Ricky D. Horton <rickydhorton@gmail.com>

Fri, Aug 31, 2018 at 1:19 PM

To: LawClaims@pge.com

Cc: mxdp@pge.com

As indicated on the PG&E Claim form to submit a claim via email as an alternative method, please notice that this is a digital copy of Claim, of which the hard copy printed claim has already mailed and received by Concord and San Francisco offices, Death of Rory Horton by electrocution. (confirmation of delivery via USPS Certified mail, received 8/27/2018 and 8/28/2018 respectively)

Please use the attached DROPBOX link here to access and download the claim of approximately 85-90mb:
<https://www.dropbox.com/s/y4yxd8vabi0qimj/HORTON%20Death%20by%20Electrocution%20PGE%20Email%20copy%20of%20CLAIM.pdf?dl=0>

The above link will expire and be no longer available after 10/5/2018

This email is to further insure that PG&E Claims department is fully aware of our intention to file court action, and this claim satisfies our attempt to seek restitution prior to filing a court action.
The dollar amount claimed as restitution is reasonable at this time. Please see claim in it's entirety for more information.

Ricky D. Horton,
Rory's Brother and representative
751 Rosemary Court
Fairfield, California 94533
Solano County
Cell: 707-386-9713

NOTICE and CC TO:

LawClaims@pge.com

Maria De Luca, mxdp@pge.com

**Cert of Service via email.pdf**

17K

De Luca, Maria(Law-Claims) <MXDp@pge.com>

Fri, Aug 31, 2018 at 1:22 PM

To: "Ricky D. Horton" <rickydhorton@gmail.com>

I have received your claim. Maria

From: Ricky D. Horton [mailto:rickydhorton@gmail.com]**Sent:** Friday, August 31, 2018 1:20 PM**To:** PG&E Claims

Cc: De Luca, Maria(Law-Claims)

Subject: Copy of Claim, Death of Rory Horton, digital copy

*****CAUTION: This email was sent from an EXTERNAL source. Think before clicking links or opening attachments.*****

[Quoted text hidden]

7019 1120 0001 9277 1730

Ricky Dean Horton
751 Rosemary Ct.
Fairfield, CA 94533

RE: PG+E#30088, claim #7111

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

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AUG 04 2021

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SAN FRANCISCO, CA

Hon. Dennis Montali - Chambers Copie
U.S. Bankruptcy Judge
Mail Box 36099
450 Golden Gate Ave
San Francisco, CA 94102

